IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 3163 of 2005

Between:

1 Smt. Sabarunnisa Begum, W/o Yunus Sherif,
R/o Poojaripet, Opp: SC Boys Hostel, Srikakulam , Srikakulam District.
2 Mohd. Abdul Ghaffar, S/o Mohd. Ibrahim,
R/o Poojaripet, Opp: SC Boys Hostel, Srikakulam , Srikakulam District.
3 Chand Osman Begum, W/o Mohd. Saleem,
R/o Quarter No. C1-1, 19-1-8745/B, Police Lane, Bahadurpura, Hyderabad.

..... PETITIONERS

AND

1 The Special Officer, A.P. State Wakf Board, Haj Building Premises, Nampally, Hyderabad.
2 Amanulla Khanm, S/o Mahaboobkhan,
Visakhapatbnam.
3 Azmatulla Khan, S/o Mahaboobkhan,
R/o Diesel Loko Shed, Kancharapalem, Visakhapatbnam.
4 Smt. Fathima Begum, W/o Amanullakhan,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of mandamus declaring the impugned order of the 1st respondent vide proceedings No. B3.40.SKL/99, dated 13-11-1999 as illegal, arbitrary and contrary to law and set aside the same and consequently direct the 1st respondent to rafify the Touliath of the Petitioners as Mutavallis of the said Wakf property viz, "Langar Khana Lavazamia" situated at Srikakulam Town and District forthwith.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondents: MR.S.M.SUBHANI.

The Court made the following :

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.3163 OF 2005

ORDER:

The petitioners claim to be the Mutawallis of a wakf property, on the strength of a document No.95/84, dated 20.12.1984, executed by Smt.Gauhar Bibi alias Lalu Bibi.

The petitioners contend that recently they came to know about the proceedings dated 13.11.1999, issued by the A.P.Wakf Board-first respondent, which has the effect of disturbing the arrangement made under document No.95/1984. They state that taking advantage of the proceedings dated 13.11.1999, the properties of the Wakf are sought to be alienated.

Heard the learned counsel for the petitioners and the learned Standing Counsel of the Wakf Board.

The petitioners propose to challenge the proceedings dated 13.11.1999. The question as to whether the petitioners are entitled to function as Mutawallis, or whether their rights are affected in any way, by the impugned proceedings, cannot be considered by this Court, particularly at this stage. The Wakf Act provides for filing a suit under Section 83 of the Wakf Act, before the Wakf Tribunal. The petitioners can canvass their rights in such a suit. The date of knowledge of the proceedings dated 13.11.1999, can be taken into account, in the matter of determination of question of limitation. Petitioners urge that the respondents are trying to alienate the properties of the petitioners. Their grievance is not about their

personal rights.

In that view of the matter, the writ petition is disposed of, directing that the *status quo* obtaining as on today, as regards the possession and ownership of the properties of the wakf in question, shall be maintained for a period of four weeks. In the meanwhile, it shall be open to the petitioners to approach the Wakf Tribunal with appropriate proceedings. There shall be no order as to costs.

22.02.2005.

Note:

Issue c.c.in two days.

B/o.

mdaa.

Copy to:

1 The Special Officer, A.P. State Wakf Board, Haj Building Premises, Nampally, Hyderabad.
2. Two C.D.copies.